

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:12 CR 20-1

1:12 CR 20-3

1:12 CR 20-4

1:12CR 20-5

1:12 CR 20-6

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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Vs. |) | ORDER |
| |) | |
| 1) Avery Ted "BUCK" CASHION, III |) | |
| 3) RAYMOND M. CHAPMAN |) | |
| 4) THOMAS E. DURHAM, JR. |) | |
| 5) KEITH ARTHUR VINSON |) | |
| 6) GEORGE M. GABLER, |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

THIS MATTER has come before the undersigned pursuant to a Motion to Compel the Government to Comply with Electronically stored Information Discovery Guidelines (#153) filed by Defendant Avery Ted "Buck" Cashion, III. The defendants Chapman, Durham, Vinson and Gabler each moved to be allowed to adopt the motion of the Defendant Cashion and those motions were allowed. A hearing was conducted in regard to the motion on March 18, 2013. After hearing arguments from counsel for Defendants and arguments from the government, the undersigned was requested to allow a period of time to determine if the

government and the defendants could agree to the method of disclosure of the electronically stored information in this case. The hearing was then rescheduled for completion on April 3, 2013. In the motion, the Defendants request the following:

20. Based upon these guidelines, Defendant Cashion asks the Court to require the government to:

- a. Consult with defense counsel regarding the most efficient means of transferring all discovery materials;
- b. Render all of the discovery provided heretofore and hereafter in a meaningfully “word-searchable” format;
- c. Provide a table of contents with all discovery discs with Bates Number page references; or
- d. Provide a comprehensive index of the location of type of discovery document produced to date; or
- e. Return the discovery materials to the organizational or filing system in which the government has rendered and stored them. That is, the filing scheme which defense counsel would encounter if counsel were inspecting traditionally stored documents.

Doc. #153, ¶ 20, pg. 7

After hearing arguments of the parties in this matter it appears that the government has consulted with defense counsel regarding the most efficient means of transferring all discovery materials. The government has further rendered all discovery materials into a word-searchable format. The government has provided a discovery log for the discovery which is equivalent to a table of contents. The government has provided a source spreadsheet for the discovery which is

comparable to a comprehensive index for the discovery. The government has also provided the discovery in an order in which the discovery was received by the government which is the equivalent of a filing scheme which defense counsel would encounter if counsel was inspecting traditionally stored documents. It thus appears to the undersigned that the government has complied with the motion filed by Defendants in regard to the discovery in this case and the government, through Assistant United States Attorney Michael Savage, has advised the Court that the government will continue to do so in regard to any further discovery presented in this matter by the government to Defendants. Based upon the foregoing, the undersigned has determined to enter the following Order.

ORDER

IT IS, THEREFORE, ORDERED that the Motion to Compel the Government to Comply with Electronically Stored Information Discovery Guidelines (#153) is hereby **ALLOWED**. The Court finds that the government has complied with all requests as set forth in paragraph 20 of the Defendant's motion and the undersigned will further **ORDER** that the government shall continue to comply with those specific requests as set forth in paragraph 20 of the motion. The undersigned enters this Order without prejudice to the Defendants filing further motions should questions in regard to discovery in this matter arise.

Signed: April 12, 2013

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

